

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
4:09-cv-189-FL**

**THE MAINSTREET COLLECTION,
INC.,**

Plaintiff,

v.

**KIRKLAND'S, INC., KIRKLAND'S
STORES, INC., and KIRKLANDS.COM,
INC.,**

Defendants.

**STIPULATION AND ORDER OF
DISMISSAL WITH PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), it is hereby stipulated and agreed by and between Plaintiff The Mainstreet Collection, Inc., and Defendants Kirkland's, Inc., Kirkland's Stores, Inc., and Kirklands.com, Inc., through their undersigned counsel, as follows:

1. All claims and counterclaims asserted in this action should be and hereby are dismissed with prejudice.
2. Each party will bear its own costs and expenses, including any and all attorneys' fees.

Dated: December __, 2010

COATS & BENNETT, PLLC

By: */s/ Anthony J. Biller*

N.C. State Bar No.: 24,117
abiller@coatsandbennett.com
Emily M. Haas
N.C. State Bar No: 39,716
ehaas@coatsandbennett.com
1400 Crescent Green, Suite 300
Cary, NC 27518
Telephone: (919) 854-1844

**PARKER POE ADAMS & BERNSTEIN
LLP**

By: */s/ Melanie Black Dubis*

N.C. State Bar No. 22,027
melaniedubis@parkerpoe.com
Cynthia L. Wittmer
N.C. State Bar No.10098
cindywittmer@parkerpoe.com
PO Box 389
Raleigh, NC 27602
Telephone: (919) 828-0564

Facsimile: (919) 854-2084
*Attorneys for Plaintiff The Mainstreet
Collection, Inc.*

Facsimile: (919) 834-4564
Local Rule 83.1 Counsel

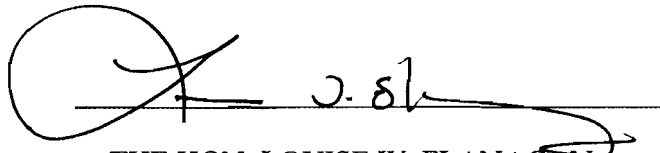
FROMMER LAWRENCE & HAUG LLP

Edgar H. Haug
ehaug@flhlaw.com
Grace L. Pan
gpan@flhlaw.com
745 Fifth Ave.
New York, NY 10151
Telephone: (212) 588-0800
Facsimile: (212) 588-0500

*Attorneys for Defendants Kirkland's, Inc.,
Kirkland's Stores, Inc., and Kirklands.com, Inc.*

SO ORDERED

Dated: 12-1-10

A handwritten signature in black ink, appearing to read "L. W. Flanagan", is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long, sweeping tail.

THE HON. LOUISE W. FLANAGAN

CHIEF UNITED STATES DISTRICT COURT JUDGE